

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

JESSICA GUASTO,

CASE NO.: 1:22-cv-21004-MD

Plaintiff,

v.

THE CITY OF MIAMI BEACH, FL,  
a Florida municipality, et al.

Defendants.

/

**PLAINTIFF'S AMENDED INITIAL DISCLOSURES**

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, Plaintiff, JESSICA GUASTO ("Plaintiff" and/or "Guasto"), by and through her undersigned counsel, hereby makes the following initial disclosures:

**I. Preliminary Statement**

1. This disclosure statement is submitted without waiver of any applicable privilege or protection from disclosure, such as the attorney-client and/or work-product privileges.
2. Plaintiff reserves the right to object to discovery and/or admissibility at trial of any information contained in or derived from this disclosure statement.
3. Plaintiff does not concede the relevancy of any information contained in or derived from this disclosure statement.
4. Plaintiff reserves the right to rely upon the individuals identified in this disclosure statement for subjects other than those identified herein for any reason, including, but not limited to, responding to Defendant's disclosures, discovery requests, evidence, and testimony.

5. Plaintiff reserves the right to supplement these disclosures if and when additional responsive information becomes available.
6. Plaintiff reserves the right to rely upon those individuals and documents identified in Defendant's disclosure statement.

**II. Name and Address of Persons Likely to Have Discoverable Information Relating to Claims or Defenses**

Ms. Jessica Salabarría (f/k/a Jessica Guasto), <i>Plaintiff</i> c/o Derek Smith Law Group, PLLC 520 Brickell Key Dr, Suite O-301 Miami, Florida 33131	Plaintiff has knowledge regarding discriminatory actions by the City of Miami Beach management; facts of this case and employment history.
Mr. Richard Clements, <i>former Chief of Police for Defendant</i> c/o MLE LAW 1212 Northeast 16th Terrace Fort Lauderdale, FL 33304	Mr. Clements likely has knowledge regarding Plaintiff's employment, Plaintiff's claims alleged in the Complaint, and treatment of other employees at the City of Miami Beach.
Mr. Steven Cosner, <i>Employee for Defendant</i> c/o MLE LAW 1212 Northeast 16th Terrace Fort Lauderdale, FL 33304	Mr. Cosner likely has knowledge regarding Plaintiff's employment, and Plaintiff's claims alleged in the Complaint, and treatment of other employees at the City of Miami Beach.
Mr. Nicholas Guasto, <i>Employee for Defendant</i>	Mr. Guasto likely has knowledge regarding Plaintiff's employment, Plaintiff's claims alleged in the Complaint, and treatment of other employees at the City of Miami Beach.
Mr. Reginald Lester, <i>Employee for Defendant</i>	Mr. Lester likely has knowledge regarding Plaintiff's employment, Plaintiff's claims alleged in the Complaint, and treatment of other employees at the City of Miami Beach.
Mr. Paul Ozaeta, <i>Employee for Defendant</i>	Mr. Ozaeta likely has knowledge regarding Plaintiff's employment, Plaintiff's claims alleged in the Complaint, and treatment of other employees at the City of Miami Beach.

Mr. Jerrome Berrian Jr., <i>Employee for Defendant</i> c/o MLE LAW 1212 Northeast 16th Terrace Fort Lauderdale, FL 33304	Mr. Ozaeta likely has knowledge regarding Plaintiff's employment, character, and work-ethic, and Defendant's treatment of other employees at the City of Miami Beach.
Mr. Elvis Santana c/o Derek Smith Law Group, PLLC 520 Brickell Key Dr, Suite O-301 Miami, Florida 33131	Mr. Santana has knowledge of Plaintiff's employment with Defendant, character, and work ethic.
Mr. Jeremiah Lockett c/o Derek Smith Law Group, PLLC 520 Brickell Key Dr, Suite O-301 Miami, Florida 33131	Mr. Lockett has knowledge of Plaintiff's employment subsequent to her employment for Defendant, character, and work ethic.
Ms. Vania Gutierrez c/o Derek Smith Law Group, PLLC 520 Brickell Key Dr, Suite O-301 Miami, Florida 33131	Ms. Gutierrez has knowledge of Plaintiff's employment subsequent to her employment for Defendant, character, and work ethic.
Ms. Thaely Carrasco c/o Derek Smith Law Group, PLLC 520 Brickell Key Dr, Suite O-301 Miami, Florida 33131	Ms. Carrasco has knowledge of Plaintiff's employment subsequent to her employment for Defendant, character, and work ethic.
Mr. Nelson Magana c/o Derek Smith Law Group, PLLC 520 Brickell Key Dr, Suite O-301 Miami, Florida 33131	Mr. Magana has knowledge of Plaintiff's employment subsequent to her employment for Defendant, character, and work ethic.
Ms. Andrea Forero c/o Derek Smith Law Group, PLLC 520 Brickell Key Dr, Suite O-301 Miami, Florida 33131	Ms. Forero has knowledge of Plaintiff's employment subsequent to her employment for Defendant, character, and work ethic.
Dr. Paul Mason, <i>Plaintiff's Expert Witness</i> c/o Derek Smith Law Group, PLLC 520 Brickell Key Dr, Suite O-301 Miami, Florida 33131	Dr. Paul Mason likely has knowledge regarding the Plaintiff's economic losses.
All witnesses identified by Plaintiff and/or Defendant throughout the course of discovery in this matter.	

Plaintiff reserves the right to supplement/amend this response as more information becomes available and as may be appropriate and necessary.

### **III. Documents**

- All pleadings on file with the Court and/or exchanged between parties in this action.
- All discovery which has or will be produced by Plaintiff and Defendant in this action.
- Plaintiff's Expert Report.
- All correspondence, emails, and text messages between Plaintiff and Defendant, including any of Defendant's employees.
- All employment documents given to Plaintiff by Defendant.
- All documents obtained during the investigation by any administrative agency including the Equal Employment Opportunity Commission and Florida Human Relations Commission.
- Job application materials and mitigation records.
- Comparator evidence and records of comparator employees.

Plaintiff reserves the right to supplement/amend this response as more information becomes available and as may be appropriate and necessary.

### **IV. Damages**

At this juncture, Plaintiff is claiming the following damages:

- **Lost Wages**
  - Plaintiff claims lost wages in the amount of \$2,406,315.69, and lost benefits in the amount of \$124,742.10. Plaintiff has based this amount on Plaintiff's Expert Report and incorporates Plaintiff's Expert Report by reference herein.
- **Punitive Damages**
  - Plaintiff also claims punitive damages in the amount of \$7,593,173.34. This amount reflects damages that a judge might award based on the Plaintiff's experience and the Defendant's willful and retaliatory conduct.
- **Attorney's Fees**
  - Plaintiff will also claim attorney's fees as a prevailing party.

Plaintiff reserves the right to supplement/amend this response as more information becomes available and as may be appropriate and necessary.

**V. INSURANCE**

N/A

Dated: Miami, Florida  
April 30, 2024,

**DEREK SMITH LAW GROUP, PLLC**  
*Counsel for Plaintiff*

/s/ Daniel J. Barroukh  
Daniel J. Barroukh, Esq.  
Florida Bar No.: 1049271  
Derek Smith Law Group, PLLC  
520 Brickell Key Dr, Suite O-301  
Miami, FL 33131  
Tel: (305) 946-1884  
Fax: (305) 503-6741  
Danielb@dereksmithlaw.com

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing document is being served on April 30, 2024, via email to all counsel of record on the service list below.

By: /s/ Daniel J. Barroukh  
Daniel J. Barroukh, Esq.

**SERVICE LIST**

**CITY ATTORNEY'S OFFICE OF MIAMI BEACH**

Benjamin Z. Braun  
benjaminbraun@miamibeachfl.gov  
Florida Bar No.: 1017937  
Henry Joseph Hunnefeld  
henryhunnefeld@miamibeachfl.gov  
Florida Bar No. 343811  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
Telephone: (305) 673-7470  
Facsimile: (877) 673-7002

**MLE LAW**

Michael Lewis Elkins  
melkins@mlelawfirm.com  
Florida Bar No.: 523781  
1212 NE 16th Terrace  
Fort Lauderdale, FL 33304  
Telephone: (954) 401-2608

*Counsel for Defendants*